COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: April 9, 2014
FILE NO:

OFFICE CORRESPONDENCE

FROM: STEPHEN B. JOHNSON, COMMANDER
CUSTODY SERVICES DIVISION
SPECIALIZED PROGRAMS

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS

Case Number:	FO2335394
Incident:	Significant Force
Incident Date:	May 12, 2013
Unit:	Lakewood Station
Suspect:	Renee Nichole Zawatsky, FW/08-13-72
Involved Employees:	Deputy [redacted], #[redacted] Deputy Ginger Matson, #[redacted] Deputy Karlos Millan, #[redacted]
EFRC Date:	April 3, 2014

The Executive Force Review Committee (EFRC) consisting of Commanders Stephen Johnson, Patrick Maxwell, and Ralph Webb met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Law enforcement officers are entitled to use the amount of force that is reasonable and necessary to make an arrest, prevent an escape, or overcome resistance.

FINDINGS:

While on a call, a Lakewood deputy noticed a female (Later identified as Suspect Zawatzky), riding a bicycle southbound on the west sidewalk in the 16300 block of Cornuta Avenue (Violation of 21202(a) CVC). The deputy contacted Suspect Zawatzky to warn/advise her regarding the violation.

While speaking with suspect, the deputy noticed the suspect displayed the objective symptoms of being under the influence of a central nervous system stimulant. The deputy detained the suspect pending an under the influence investigation, and escorted her to the rear, driver's side door of her radio car.

The deputy opened the car's door and attempted to place the suspect in the back seat. The suspect refused to get inside the radio car. She began to struggle with the deputy, and she broke free from the deputy's grasp. As the deputy tried to gain control of the suspect's hands and arms, the suspect repeatedly tried to strike the deputy's facial area with her elbow. The deputy took the suspect to the ground and advised that she was involved in a fight, via Sheriff's radio.

The struggle continued as assisting units responded. The suspect was able to get up on her hands and knees, but the deputy pushed her to the ground again. As assisting deputies arrived, the suspect grabbed the rear quarter panel of the vehicle and began to stand up. One of the deputies took the suspect to the ground, and was able to gain control of her left arm. The other deputies were able to gain control of the suspect's right arm, and they were able to handcuff her and place her in the radio car without further incident.

When the deputy took the suspect down the final time, the suspect inadvertently struck her head on the radio car and sustained a small laceration over her left eye brow.

Los Angeles County Fire Engine #23 responded and treated the suspect for the laceration and abrasion on her left knee. She was subsequently transported to Lakewood Regional Medical Center for further examination, and her left knee was x-rayed. She was later released to Sheriff's custody with an "Authorization to Book."

On the morning of May 13, 2013, Lakewood Regional Medical Center personnel contacted Lakewood Station and advised that upon reviewing the x-ray of the suspect's left knee, it was determined she had sustained a fracture.

The EFRC determined the force used against the suspect was within Department policy. The EFRC also determined the tactics used were within Department policy.

RECOMMENDATIONS:

The EFRC made no recommendations regarding this incident.

SBJ:JER:jer

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IAB FO 2335394

Los Angeles County Sheriff's Department

Supervisor's Report on Use of Force

Incident Information

URN: 913-09355-1337-145 | Date: 05/12/2013 | Time: 1725 Hours

Location: [redacted] Cornuta Avenue | City or Station: Bellflower

Bureau/Station/Facility: South Patrol Division | Admin. Investigation: ○ YES ● NO

Type of Force: Take Down/Resistive Handcuffing

Incident Category: ○ 1 ○ 2 ● 3 | Deputy Injury: ○ YES ● NO | Suspect Injury ● YES ○ NO

☐ Call ☒ Observation ☐ Detail | ☐ Foot Pursuit ☐ Vehicle Pursuit

IAB Notified: ● YES ○ NO | Person Notified: Lt. T. Weber | Emp: [redacted] | IAB Roll Out ● YES ○ NO

Involved Employee

E 1

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Matson	Ginger	T.	DSG

Sex: ○ M ● F | Race: W | Height: 5'01" | Weight: 120 | Age: [redacted] | Shift: ○ EM ○ Day ● PM | ● Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: Lakewood | Work Assignment (Unit #, Module, etc.): 133

Individual Force Used: Control Holds/Resistive Handcuffing | ○ Directed ○ Rescue ○ Medical Assist | Individual Category ○ 1 ● 2 ○ 3

☐ Injured ☐ Treated ☐ Admitted Facility: | Coroner Case #

E 2

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	Millan	Karlos	M.	DSG

Sex: ● M ○ F | Race: H | Height: 5'10" | Weight: 235 | Age: [redacted] | Shift: ○ EM ○ Day ● PM | ● Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: Lakewood | Work Assignment (Unit #, Module, etc.): 133B

Individual Force Used: Take Down | ○ Directed ○ Rescue ○ Medical Assist | Individual Category ○ 1 ● 2 ○ 3

☐ Injured ☐ Treated ☐ Admitted Facility: | Coroner Case #

E 3

Employee #	Last Name	First Name	Middle I.	Rank
[redacted]	[redacted]	[redacted]	[redacted]	DSG

Sex: ○ M ● F | Race: H | Height: 5'6" | Weight: 125 | Age: [redacted] | Shift: ○ EM ○ Day ● PM | ● Regular Shift ○ OT Shift ○ Off Duty

Unit of Assignment: Lakewood | Work Assignment (Unit #, Module, etc.): 133B

Individual Force Used: Resistive Handcuffing | ○ Directed ○ Rescue ○ Medical Assist | Individual Category ● 1 ○ 2 ○ 3

☐ Injured ☐ Treated ☐ Admitted Facility: | Coroner Case #

On Duty Supervisor

☐ Additional Involved Employees

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Castaneda	Mario	D.	SGT	YES ○ NO ●	YES ○ NO ●

Supervisor Completing Investigation

Emp #	Last Name	First Name	Middle I.	Rank	Present	Witness to Incident
[redacted]	Graham	Scott	A	SGT	YES ○ NO ●	YES ○ NO ●

Watch Commander / Supervising Lieutenant

Emp #	Last Name	First Name	Middle I.	Rank
[redacted]	Lindblom	Eric	R.	LT.

Eric Lindblom

Watch Commander / Supervising Lieutenant's **Signature:** | Date | Copy Provided to Employee by: | Emp #: [redacted]

Captain Merrill Ladenheim

Unit Commander **(Print Name)** | Unit Commander's **Signature**: | Emp #: | Date

DISCOVERY Use Only

FO#

☐ PPI REVIEW COMPLETED

Original: Discovery Unit
Copy: Unit Commander

SH-R-438P (Rev. 01/13)

S_pervisor's Report on Use of F_ce
SUSPECT INFORMATION

9 1 3 - 0 9 3 5 5 - 1 3 3 7 - 1 4 5

Suspect Information

S 1

Last Name: Zawatsky | First Name: Nichole | Middle Name: Renee | Armed? Select: Not Armed

AKA Last Name: | First Name: | Middle Name:

Sex	Race	Age	Height	Weight	D.O.B	Phone #1: ○ H ○ W ○ C	Phone #2: ○ H ○ W ○ C
○ Male ◉ Female	W	40	5'00"	160	08/13/72	[redacted]	

Street Address: [redacted] | City: [redacted] | State & Zip Code: [redacted]

Booking #: 3557899 | Primary Charge Code: 241(c)PC | Secondary Charge Code: 11550(a) H&S | [redacted] Criminal History

Treated on Scene? ◉ YES ○ NO | Name: Captain Karp | Unit: Engine 23 | Phone #: 562-531-2550

Hospital Admission? ☐ | Rec'd Treatment At: Lakewood Regional | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: Doctor Chris Feier | Address: 3700 E. South Street, Lakewood | Phone #: (562) 531-2550

Under Influence: ◉ YES ○ NO | Substance: CNS Stimulant | 5150 a factor in force? ○ YES ◉ NO User's guide provides direction on this entry

Suspect Interview

Date: 05/12/2013 | Time: 1945 | ☐ Audiotape: | ☒ Videotape: | ☒ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex	Race	Age	Height	D.O.B.	Weight	Phone #1: ○ H ○ W ○ C	Phone #2: ○ H ○ W ○ C
○ Male ○ Female							

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ○ YES ○ NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ○ YES ○ NO | Substance: | 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

Suspect Information

S__

Last Name: | First Name: | Middle Name: | Armed? Select:

AKA Last Name: | First Name: | Middle Name:

Sex	Race	Age	Height	D.O.B.	Weight	Phone #1: ○ H ○ W ○ C	Phone #2: ○ H ○ W ○ C
○ Male ○ Female							

Street Address: | City: | State & Zip Code:

Booking #: | Primary Charge Code: | Secondary Charge Code: | ☐ Criminal History

Treated on Scene? ○ YES ○ NO | By: | Unit: | Phone #:

Hospital Admission? ☐ | Rec'd Treatment At: | Coroner Case #: | Mental History ☐ User's guide provides direction on this entry

By: | Address: | Phone #:

Under Influence: ○ YES ○ NO | Substance: | 5150 a factor in force? ○ YES ○ NO User's guide provides direction on this entry

Suspect Interview

Date: | Time: | ☐ Audiotape: | ☐ Videotape: | ☐ Photos of Injuries: | ☐ ADMITS HEARING ANNOUNCEMENTS

☐ **Additional Suspects Involved**

Supervisor's Report on Use of Force
EMPLOYEE / NON-EMPLOYEE INFORMATION

9 1 3 - 0 9 3 5 5 - 1 3 3 7 - 1 4 5

Employee Witnesses

Emp. #	Last Name	First Name	Middle Name
Unit of Assignment:	**Work Assignment (Unit #, Module, etc.):**	**Shift:** ○ EM ○ Day ○ PM	○ Regular ○ OT ○ Off Duty
Emp. #	**Last Name**	**First Name**	**Middle Name**
Unit of Assignment:	**Work Assignment (Unit #, Module, etc.):**	**Shift:** ○ EM ○ Day ○ PM	○ Regular ○ OT ○ Off Duty
Emp. #	**Last Name**	**First Name**	**Middle Name**
Unit of Assignment:	**Work Assignment (Unit #, Module, etc.):**	**Shift:** ○ EM ○ Day ○ PM	○ Regular ○ OT ○ Off Duty

Non-Employee Witnesses

Last Name	First Name	Middle Name	Age	D.O.B.
[redacted]	[redacted]	[redacted]	34	[redacted]

Street Address	City	Zip Code	Phone #1	Phone #2
[redacted]	[redacted]	[redacted]	[redacted]	

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

Last Name	First Name	Middle Name	Age	D.O.B.

Street Address	City	Zip Code	Phone #1	Phone #2

☐ Additional Witness

Supervisor's Report on Use of Force

9 1 3 - 0 9 3 5 5 - 1 3 3 7 - 1 4 5

Method

(AW) Arwen
(BC) Baton: (Control)
(BI) Baton: (Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds: (Control Techniques)
(TT) Control Holds: (Team Takedown)
(TD) Control Holds: (Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(RO) Restraint Device (Other)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device: Hobble (Legs Only)
(TP) Restraint Device: Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(IR) Less Lethal Impact Round (other)
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative
(HR) High Risk

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Involved

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hands
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(NO) Nose
(SH) Shoulder
(WR) Wrist

FORCE USED BY		FORCE USED AGAINST		Method (Code)	Type of Injury (Code)	Body Part (Code)
Name	E# or S#	Name	E# or S#			
S/Zawatzky	S1	Deputy Matson	E1	PP	NN	
Deputy Matson	E1	S/Zawatzky	S1	PP	NN	
Deputy Matson	E1	S/Zawatzky	S1	CT	NN	
Deputy Millan	E2	S/Zawatzky	S1	TD	LC	HD
Deputy Matson	E1	S/Zawatzky	S1	CT	AB	KN
Deputy [redacted]	E3	S/Zawatzky	S1	RS	FR	KN

COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT

INVESTIGATIVE SUMMARY

UNIT: Lakewood Station
DATE: May 12, 2013
TIME: 1725 hours
LOCATION: [redacted] Cornuta Avenue, Bellflower, 90706
URN#: 913-09355-1337-145
IAB#: FO2335394

NATURE OF INCIDENT:

While on a call, Deputy Matson noticed a female (Later identified as Suspect Zawatzky), riding a bicycle southbound on the west sidewalk in the 16300 block of Cornuta Avenue (Violation of 21202(a) CVC). Deputy Matson contacted Suspect Zawatzky to warn/advise her regarding the violation.

While speaking with Suspect Zawatzky, Deputy Matson noticed she displayed the objective symptoms of being under the influence of a central nervous system stimulant. Deputy Matson detained Suspect Zawatzky pending an under the influence investigation, and escorted her to the rear, driver's side door of her radio car.

Deputy Matson opened the car's door and attempted to place Suspect Zawatzky in the back seat. Suspect Zawatzky refused to get inside the radio car. She began to struggle with Deputy Matson, and she broke free from Deputy Matson's grasp. As Deputy Matson tried to gain control of Suspect Zawatzky's hands and arms, Suspect Zawatzky repeatedly tried to strike Deputy Matson's facial area with her elbow. Deputy Matson then took Suspect Zawatzky to the ground and advised that she was involved in a fight, via Sheriff's radio.

The struggle continued as assisting units responded. Suspect Zawatzky was able to get up on her hands and knees, but Deputy Matson pushed her to the ground again. As Unit 133B Deputies Millan and [redacted] arrived, Suspect Zawatzky grabbed the rear quarter panel of the vehicle and began to stand up. Deputy Millan took Suspect Zawatzky to the ground, and was able to gain control of her left arm. Deputy [redacted] and Matson were able to gain control of the suspect's right arm, and they were able to handcuff her and place her in the radio car without further incident.

When Deputy Millan took Suspect Zawatzky down the final time, Suspect Zawatzsky inadvertently struck her head on the radio car and sustained a small laceration over her left eye brow.

Los Angeles County Fire Engine #23 responded and treated Suspect Zawatzky for the laceration and abrasion on her left knee. She was subsequently transported to Lakewood Regional Medical Center by 133E, Deputies Johnson #[redacted] and Villalobos #[redacted] for further examination, and her left knee was x-rayed. She was later released to Sheriff's custody with an "Authorization to Book."

Unit 130S Sergeant Castaneda responded to the location. The deputies reported their use of force to him.

> **IAB NOTE:** The Criminal report and Supplemental Reports are included in this case book. See **Exhibit A**.

Lakewood Station Lieutenant Eric Lindblom #[redacted] notified Internal Affairs Bureau Lieutenant Michael Berg #[redacted] of the incident at approximately 1800 hours.

On the morning of 05/13/13, Lakewood Regional Medical Center personnel contacted Lakewood Station and advised that upon reviewing the x-ray of Suspect Zawazky's left knee, it was determined she had sustained a fracture. Lakewood Sergeant Phillip Marquez #[redacted] notified Internal Affairs Bureau of the updated diagnosis via telephone.

Internal Affairs Bureau Lieutenant Todd Weber was notified. He along with Sergeant Scott Graham responded to Lakewood Station to conduct an administrative review of the incident. The following review is based on written documentation, interviews of witnesses, involved deputies, and the suspect.

INVOLVED PERSONNEL:

Ginger Matson - Deputy Sheriff, Employee #[redacted]
Lakewood Station- South Patrol Division
Date of Employment: 03-26-2007
Date Assigned to Unit: [redacted]
Prior Founded Force Incidents:

Karlos Millan - Deputy Sheriff, Employee #[redacted]
Lakewood Station- South Patrol Division
Date of Employment: 05-02-2002
Date Assigned to Unit: [redacted]
Prior Founded Force Incidents:

[redacted]- Deputy Sheriff, Employee #[redacted]
Lakewood Station- South Patrol Division
Date of Employment: 08-08-2011
Date Assigned to Unit: [redacted]
Prior Founded Force Incidents:

INVOLVED SUSPECT

Zawatzky, Nichole Renee
Sex: Female
Race: White
Date of Birth: August 13, 1972
Booking # 3557899
Charges: 148 (a)(1)P.C., 241(C) P.C

Injuries: Contusion, Hematoma to her left knee, later diagnosed with a Proximal Fibula Fracture.

The Consolidated Criminal History System reveals that Suspect Zawatzky has been arrested a total of [redacted]

> **IAB NOTE:** A copy of Suspect Zawatzky's criminal history is included in this report. **See Exhibit B**.

SWORN DEPUTY WITNESSES:

None

NON-DEPARTMENT WITNESSES:

[redacted] **M/H D.O.B.** [redacted] **, Address** [redacted] **Phone number** [redacted]

REVIEW OF RADIO TRANSMISSIONS

Internal Affairs Investigator Scott Graham reviewed the radio broadcast prior to, and during the incident. On the recording at approximately 1711 Hours, Unit 133 goes Code 6 at Cornuta.

At approximately 1727 hours a female voice is heard requesting the "Patch." SCC puts the unit on the "Patch." The female voice (Unit 133), advised "Deputy involved in a fight on Cornuta." SCC advised of the fight. There is a garbled transmission at this point. Unit 133B advises they can be there in "two." Unit 133T2 advised he can be there in one. SCC advised that 133A is on a 273A call on Cornuta, then asked if a "Sam" unit is responding. 130S advised he is responding Code 3. 133B advised they are Code 6. SCC advised that 133B is Code 6.

At approximately 1728 hours, 133B advises Code 4.

IAB NOTE: During 133B's transmission advising Code 4, there is an open microphone and yelling can be heard in the background.

IAB NOTE: A CD copy of the Dispatch 14 Radio Traffic, Witness Interviews, Suspect Interview, Photos of Injuries to Suspect Zawatzky are included in this case book. See **Exhibit D**.

SUSPECT'S INJURIES

Suspect Zawatzky was transported by radio car to Lakewood Regional Medical Center in Lakewood. She was treated by Emergency Room Physician, Doctor Chris Feier. Suspect Zawatzky was treated for abrasions and contusion to her knees. She received a patient number of ID# [redacted] She was given an "OK to book."

The next day, on 05-13-13 Suspect Zawatzky was transported by radio car to Lakewood Regional Medical Center in Lakewood because the review of the X-Ray revealed she had a "Proximal Fibula Fracture" to her left knee. She was treated by Emergency Room Physician, Doctor Jeremy Kroes. She was treated without immobilization and received an "Ok to book."

IAB NOTE: A copy of Suspect Zawatzky's "Ok to Book," and discharge instructions, are included in this case book. **See Miscellaneous Documents.**

IAB NOTE: A CD containing photographs of injuries sustained by the suspect are included in this case book. See **Exhibit D**.

DEPUTY PERSONNEL

Deputy Matson – Pain, redness, and swelling to both her knees.

PHYSICAL EVIDENCE

No physical evidence was collected at the scene by Internal Affairs Bureau Investigators due to receiving the notification the following day.

INVESTIGATORS OBSERVATIONS

Digital photographs of the scene were taken by Sergeant Castaneda and are included in this case book. **(Exhibit C).**

WEAPONS USED BY DEPUTY PERSONNEL

Deputy Matson – Take Down, Resistive handcuffing.

Deputy Millan - Take Down, Resistive handcuffing.

Deputy [redacted] - Resistive handcuffing.

WEAPONS USED BY SUSPECT

Personal weapons, hands, feet.

PROPERTY DAMAGE

None

CRIMINAL INVESTIGATOR and CHARGES FILED

Investigator: Michael Garfin #[redacted] Detective, Lakewood Station.
Court: Superior Court – Bellflower #3BF02299
Charges Filed: 148 (a)(1)P.C., 241(C) P.C.

IAB NOTE: On May 14, 2013, the District Attorney's Office out of Bellflower Superior Court filed the above listed charges against Suspect Zawatzky.

WEATHER CONDITIONS AND LIGHTING CONDITIONS

The incident occurred on a clear, sunny day at 1725 hours.

INVOLVED EMPLOYEE STATEMENTS

Deputy Matson

Deputy Ginger Matson #[redacted] was interviewed by Internal Affairs Bureau Sergeants Scott Graham and Mark Reyes, on June 20, 2013, at 1034 hours, at Internal Affairs Bureau. The interview was digitally audio recorded.

Deputy Matson said she was on a prior radio call on Cornuta Ave. While driving she saw a female (Later identified as S/ Zawatzky) riding a bicycle on the sidewalk. Deputy Matson said she decided to stop the suspect and warn or issue a citation for the violation.

Deputy Matson stopped the suspect and while talking to her about the violation, she noticed that the suspect displayed the objective symptoms of being under the influence of a stimulant.

Deputy Matson detained the suspect pending an under the influence investigation. As she attempted to place the suspect in the back seat of her radio car, Suspect Zawatzky did not comply. Deputy Matson said she was holding both of the suspect's hands behind her back (the Suspect's) in a finger lock grip with her right hand (Matson). Deputy Matson opened the driver's side rear radio car door with her left hand. As she

attempted to have the suspect sit in the back seat, Suspect Zawatzky began yelling, *"I don't want to go to jail!"* At the same time, the suspect *"jerked her body backwards"* and was able to break from Deputy Matson's grip. She braced herself against the radio car and would not get into it.

Deputy Matson said she pushed her body against the suspect to prevent her from escaping. As she pinned the suspect against the radio car, she tried to gain control of the suspect's hands. She said every time she tried to grab Suspect Zawatzky's hands, the suspect would swing her left elbow back in an attempt to strike Deputy Matson's face.

Deputy Matson said she was able to grab the back of the suspect's shirt and did a leg sweep, taking her to the ground. While on the ground, Deputy Matson was able to request assistance via her hand held radio.

She attempted to put the suspect's hands behind her back. The suspect was yelling, "Mom, I don't want to go back to jail!" Suspect Zawatzky was able to prop herself up onto her hands and knees and Deputy Matson pushed her back on the ground. Deputy Matson said she was able to see a unit responding in her peripheral vision. Suspect Zawatzky propped herself up again and grabbed onto the radio car door. Deputy Millan came and grabbed Suspect Zawatzky and took her to the ground. Deputy Matson said she and Deputy [redacted] took control of the suspect's right hand and Deputy Millan took control of the left arm. They were able to handcuff the suspect. Once the suspect was handcuffed, she became cooperative.

Deputy Matson said after the altercation, she noticed the suspect had injuries on her knees and an abrasion on her left temple. She reported her use of force to Sergeant Castaneda.

Deputy Matson authored a Crime Report **(Exhibit A)** documenting her observations and actions. For additional information, refer to Deputy Matson's report and verbatim interview transcripts.

<u>Deputy Millan</u>

Deputy Karlos Millan #[redacted] was interviewed by Internal Affairs Bureau Sergeants Scott Graham and Mark Reyes, on August 19, 2013, at 1433 hours, at Internal Affairs Bureau. The interview was digitally audio recorded.

Deputy Millan said he and his partner Deputy [redacted] were on the same street as Deputy Matson because of a call for service. He heard the "Patch" activated and a deputy was involved in a fight. He was not far from where Deputy Matson was so he backed his radio car to her location.

He arrived and saw Deputy Matson on her knees with both arms around the suspect's waist. He said the suspect was also on her knees with both hands on the ground

attempting to stand up. As he got out of his radio car, Suspect Zawatzky grabbed the open rear door, and the quarter panel of Deputy Matson's radio car. He said the suspect overpowered Deputy Matson and stood up. Deputy Matson was still holding onto Suspect Zawatzky. Deputy Millan grabbed the suspect's left arm and the *"back of head from her hair"* and pulled to the ground. He said while taking the suspect to the ground, she struck her head on the open radio car door. Deputy Millan said he placed the suspect's left arm in arm lock and with the assistance of Deputies Matson and [redacted] they were able to handcuff Suspect Zawatzky. He reported his use of force to Sergeant Castaneda.

Deputy Millan authored a Supplemental Report, **(Exhibit A)** documenting his observations and actions. For additional information, refer to Deputy Millan's report and verbatim interview transcripts.

Deputy [redacted]

Deputy [redacted] **#**[redacted] was interviewed by Internal Affairs Bureau Sergeants Scott Graham and Hector Velasquez, on August 19, 2013, at 1445 hours, at Internal Affairs Bureau. The interview was digitally audio recorded.

Deputy [redacted] said while responding to a call, she and her partner Deputy Millan, had passed Deputy Matson who was detaining a suspect. Deputy Matson told them she was "Code 4" so they continued on to their call.

Deputy [redacted] said an assistance came out over the radio. It was a deputy involved in a fight, requesting assistance. She and her partner, Deputy Millan went back to Deputy Matson's location which was only seconds away. When they got back there, she saw Deputy Matson and the suspect struggling. Deputy Matson was attempting to hold the suspect against the car. As the suspect was standing, she continuously pushed herself from the car. Deputy Matson was trying to control the suspect's arms however was having a hard time gaining control.

Deputy [redacted] said Deputy Millan grabbed the suspect's left arm and the back of her shirt at the collar area. He turned her to the left and placed her on the ground gaining control of her.

Deputy [redacted] said Deputy Matson had a hold of the suspect's left arm and was not able to gain control of it. Deputy Millan assisted her and was able to get it behind the suspect's back. Deputy [redacted] gained control of the suspect's right arm and she was handcuffed. She reported her use of force to Sergeant Castaneda.

Deputy [redacted] authored a Supplemental Report, **(Exhibit A)** documenting her observations and actions. For additional information, refer to Deputy [redacted] report and verbatim interview transcripts

SUSPECT'S STATEMENTS

Suspect Zawatzky

On May 12, 2013, Lieutenant Lindblom from Lakewood Sheriff's Station conducted an interview with Suspect Zawatzky regarding the incident. He documented the interview in a memo as follows:

I, Lieutenant Lindblom, conducted a videotaped interview of Suspect Zawatsky at 1945 hours in a holding cell in the Lakewood Station jail. Suspect Zawatsky told me she did not want to get into the back of the radio car because she had to go *"pee"* very badly. I asked her if she told the deputy that, or if she told the deputy she would not get into the car because she wanted to see her mom. Suspect Zawatsky admitted she told the deputy she would not get in the car because she wanted to see her mom and daughter. Suspect Zawatsky acknowledged the fact she was being detained and was required to follow the deputy's orders. She further acknowledged she pushed back against the deputy as the deputy was trying to push her into the radio car, and she was taken to the ground. I asked her to tell me in her own words what happened at that point. She said she could not remember what happened. I asked her if the deputies did anything else to her other than force her to the ground and handcuff her. She told me, *"No."* She then said, *"They put a knee in my back."* I asked her if they did anything else, and she told me, *"No."*

I asked Suspect Zawatsky what injuries she had. She pointed to an abrasion on her left elbow and abrasions on her left knee. I asked her if she had any other injuries, and she told me she did not. I noted she had a very small mark above her left eyebrow. I asked her how she got the mark, and she told me she did not know.

I asked Suspect Zawatsky if she was using methamphetamine, and she told me she was. She said she had used some this morning. I asked her if she was taking any medication. She told me she was taking Keflex and Bactrim. Suspect Zawatsky denied drinking any alcohol. She told me she used to be under the care of a psychiatrist and used to take medication for her psychological problems, but she has not taken any for several years. I asked her if there was anything else she wanted to tell me, and she said, *"No."*

> **IAB NOTE:** A copy of Lieutenant Lindblom's Memo is included in this case book. **See Exhibit E.** The video interview is also included. **See Exhibit D.**

Suspect Zawatzky's IAB Interview

On May 13, 2013, Internal Affairs Bureau Sergeant Scott Graham, and Lieutenant Todd Weber went to the Lakewood Sheriff's Station and conducted an interview with Suspect Zawatzky regarding the incident. Suspect Zawatzky agreed to talk with them about the incident without an attorney present. The interview was digitally video recorded.

Suspect Zawatzky said she was riding her bicycle in front of her mother's house and the *"Sheriff"* went in front of her and stated, *"You're riding on...you went on the wrong side, and I got off and she slammed me down."*

She said she was *"slammed"* because she was walking. Suspect Zawatzky said she did not resist, and she did not know why she went to jail.

She was asked what she told the Watch Commander the day before. She stated, *"That I was under the influence? And I don't remember what I said."*

Suspect Zawatzky was asked why she would have been arrested. She stated, *"Resisting?"* She also said she had four warrants.

When she was asked what happened when the deputy attempted to place her in the back seat of the radio car she stated, "She slammed me down." When she was asked why she was "Slammed" down, she replied, "I don't remember."

Suspect Zawatzky was asked if she knew what she was being charged with. She said, *"Resisting."* When asked if she resisted, she stated, *"Uh huh."* She was advised that she was probably *"Slammed"* down because she resisted. Suspect Zawatzky was asked what she did that would have been considered *"resisting."* She said walking away. When she was asked what else could have been considered resisting, she stated, *"I don't remember, like I said."* She was asked why she did not remember. She stated, *"Because I don't, God!"*

Suspect Zawatzky was asked if she did not remember because she was under the influence and she said, *"Yeah."*

She was asked what she was under the influence of, she stated, *"Meth."*

Suspect Zawatzky was asked how she hit her head. She said she, (Deputy Matson) hit her head on the rear driver's side door while placing her in the back seat.

Suspect Zawatzky was asked if Deputy Matson hit her head on the door intentionally, or if it happened because she (Suspect Zawatzky) was resisting. Suspect Zawatzky said she thinks it was intentional saying she did not doing anything that could have been construed as resistive.

She was asked to tell how she was *"slammed"* down. Suspect Zawatzky told investigators she did not want to talk about it.

Suspect Zawatzky was asked if Deputy Matson was the only one on scene. She said *"Yes."* She was asked if other deputies arrived. She said others showed up an hour later. When asked if it was an hour later she stated, *"Exactly one hour later."*

IAB NOTE: Deputies Millan and [redacted] were on scene in a matter of seconds after the assistance request was put out.

Suspect Zawatzky during the interview was asked again if she did anything that could have been construed as resisting. She said *"No."*

She was told what she said to Lieutenant Lindblom when she was interviewed the night prior. She told him she did not want to go to jail, and refused to get in the car. Suspect Zawatzky reacted stating, *"Oh."* She was asked if she remembered saying that and she replied, *"No I don't."*

For additional information, refer to Suspect Zawatzky's video interview, or verbatim interview transcripts. **See Exhibit D for the video CD.**

WITNESS STATEMENTS

Witness [redacted]

Sergeant Castaneda was the on duty field sergeant at the time of the force incident. He canvassed the area for witness to the use of force. He contacted Mr. [redacted] and Sergeant Castaneda documented the interview on a Supplemental Report as follows:

I, Sergeant Castaneda, initially had the responsibility of documenting the use of force on the incident under the above file number. During the morning hours of May 13, 2013 updated information was received from Lakewood Regional Medical Center regarding the extent of injury sustained by Suspect Nichole Renee Zawatsky. Based on the updated information, Internal Affairs Bureau, Sergeant Scott Graham and Lieutenant Todd Weber responded and assumed control of the Use of Force Investigation.

Prior to relinquishing this use of force investigation to Internal Affairs, I had already conducted a canvassing of the area for witnesses. I contacted [redacted] MH/[redacted]. Mr. [redacted] resides in the apartment complex at [redacted], [redacted] His apartment is situated at the [redacted] of the complex with his living room window facing Cornuta Avenue. His apartment is on the [redacted] and his window provides a direct view of the area where the use of force occurred.

I conducted a witness interview with Mr. [redacted] at his residence on May 12, 2013 at approximately 1755 hours. Mr. [redacted] did not want his interview recorded on video tape. Mr. [redacted] said while watching television in his living room with his [redacted] FH/[redacted] and [redacted] MH/[redacted] he heard a "girl" screaming. Mr. [redacted] said he walked over to his [redacted] facing living room window and saw a female lying face down on the asphalt. She was being held down by a male deputy and two female deputies. Mr. [redacted] said the male deputy was resting his knee on

the females (Suspect Zawatsky) upper back/shoulder area and the female deputies were on either side of the female handcuffing her and holding her down. Mr. [redacted] said the male deputy stood up. The female deputies then helped the female suspect to her feet and directed her into the back seat of the patrol vehicle which was parked directly next to them. Mr. [redacted] said he then returned to watching his television.

IAB NOTE: A copy of Sergeant Castaneda's Supplemental Report is included in this case book. **See Exhibit F.**